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C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 003288

SIPDIS

DEPARTMENT FOR WHA/CEN, IO/SHA, AND DRL/MLA

E.O. 12958: DECL: 12/29/2014

TAGS: PHUM PGOV PREL GT UN

SUBJECT: GUATEMALA ACCEPTS OHCHR RESIDENT OFFICE

REF: GUATEMALA 3161

Classified By: Ambassador Hamilton; Reason 1.5 (d)

1. (C) Summary: The GOG and the U.N. Office of the High Commissioner for Human Rights (OHCHR) have agreed to establish an OHCHR Resident Office in Guatemala. We believe the agreement, although later than desired, reflects well on the GOG and will help secure advances in human rights. The final language of the accord ensures that the OHCHR Resident Office has the authority to report freely and accurately on human rights in Guatemala. End summary.

Reaching agreement on OHCHR Resident Office

2. (C) The Ministry of Foreign Relations (MRE) informed us that they reached agreement December 22 with the United Nations' Office of the High Commissioner for Human Rights (OHCHR) for that U.N. agency to establish a Resident Office in Guatemala. Foreign Minister Jorge Briz intends to travel to New York to sign the agreement on January 10, as suggested by the High Commissioner's representatives. The GOG would then send the Accord to Congress for approval and then to President Berger for signature and formal ratification.

3. (U) As noted in reftel, the lack of agreement regarding the mandate and activities of a resident OHCHR Office in Guatemala and delayed the agreement by several months. The OHCHR Resident Office can still, however, take advantage of the institutional knowledge and facilities formerly dedicated to the U.N. Verification Mission to Guatemala (MINUGUA), which formally closed its doors in November. The basic dispute regarding the establishment of the OHCHR Resident Office involved the scope of that office's activities and reporting requirements on the state of human rights in Guatemala.

Establishing a mandate

4. (U) The pending accord between the Office of the High Commissioner and the GOG states that the OHCHR Resident Office will observe and report on the human rights situation in Guatemala for the purpose of advising GOG authorities in the formulation and application of policies and programs to promote and protect human rights in Guatemala. In addition to advising the GOG on policy and assisting in the development of educational and capacity-building programs, the Resident Office will engage GOG authorities regarding human rights violations or other abuses when, in the OHCHR's judgment, the application of the Guatemalan legal process is not compatible with internationally accepted norms.

5. (U) Although the OHCHR Resident Office's primary activities are focused on cooperation with the GOG, the accord specifically notes that it will also maintain the right and responsibility to form cooperative relationships with international organizations, civil society, and individuals and non-governmental organizations (NGO) with human rights interests. The Resident Office is intended to act as a center for dialog to promote confidence between all sectors involved and interested in questions of human rights.

6. (U) In regard to the concern about the focus of reports, the Resident Office in Guatemala will not issue public statements that identify specific individuals or organizations as legally responsible for human rights violations, but will report in a free and on-going manner directly to the High Commissioner in Geneva. The High Commissioner will, in turn, prepare a formal report on the Guatemalan human rights situation for the U.N. Human Rights Commission, and will share this report with the GOG before its formal and public presentation. (Note: These reporting requirements are in line with the requests made by the GOG. End note.)

Comment

7. (C) The GOG sought changes in the text of the accord in order to appease Congressional critics who objected to the apparently wide-ranging mandate. That said, we believe that this compromise provides enough leeway to allow the OHCHR office to conduct its activities without hindrance. The

accord specifically notes that the Resident Office will receive information from any source, public or private, and will maintain the confidentiality of the source. The existence of an independent OHCHR Resident Office in Guatemala is important, both to maintain a clear and unimpeded focus on the issue and to provide needed technical support to a GOG that is motivated but lacking in expertise and funds. The final language of the agreement to establish the office assures the full power and mandate of the OHCHR Resident Office and reflects well on the GOG.

HAMILTON